

(C) the commission ~~[for analysis to verify the alcohol content of the beverage];~~
and

(2) the label of the beverage has been first submitted to the commission or its representative and found to comply with all provisions of this code relating to the labeling of the particular type of beverage.

(d) If the commission determines that the product *tested* ~~[analysis provided by the independent laboratory or the sample,]~~ and ~~[the]~~ label *submitted under* ~~[required by]~~ Subsection (a) comply with the provisions of this code and the rules of the commission, the commission shall issue a certificate of approval upon receipt of a fee in an amount that is sufficient to cover the cost of administering this section. A copy of the certificate shall be kept on file in the office of the commission.

(e) The commission *may require proof by affidavit or otherwise that a laboratory performing a test* ~~[by rule shall establish the procedures for accepting analysis of beer, ale, or malt liquor by an independent laboratory]~~ under Subsection (a)(1)(A) *is independent* ~~[(a)(1)]~~.

SECTION 2. This Act takes effect September 1, 2017.

Passed by the House on April 13, 2017: Yeas 138, Nays 0, 3 present, not voting; passed by the Senate on May 12, 2017: Yeas 30, Nays 1.

Approved June 15, 2017.

Effective September 1, 2017.

ELIGIBLE VOTERS IN A CONFIRMATION ELECTION FOR A CONSERVATION AND RECLAMATION DISTRICT

CHAPTER 848

H.B. No. 2358

AN ACT

relating to eligible voters in a confirmation election for a conservation and reclamation district.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter D, Chapter 49, Water Code, is amended by adding Section 49.1025 to read as follows:

Sec. 49.1025. QUALIFIED VOTERS IN CONFIRMATION ELECTION. (a) *In this section, "developer of property in the district" has the meaning assigned by Section 49.052(d).*

(b) *A voter in a confirmation election or an election held jointly with a confirmation election on the same date and in conjunction with the confirmation election to authorize taxes and bonds must be a qualified voter of the district. For the purposes of an election described by this subsection, a person is not a qualified voter if the person:*

(1) *on the date of the election:*

(A) *is a developer of property in the district;*

(B) *is related within the third degree of affinity or consanguinity to a developer of property in the district;*

(C) *is an employee of a developer of property in the district; or*

(D) *has resided in the district less than 30 days; or*

(2) *received monetary consideration from a developer of property in the district in exchange for the person's vote.*

(c) *In addition to the procedures for accepting a voter under Section 63.001, Election*

Code, the election officer shall provide to the voter the form of the affidavit required by this section. The election officer must receive a completed affidavit before marking the voter as accepted under Section 63.001(e), Election Code. If the voter does not submit a completed affidavit to the election officer or the information stated on the affidavit demonstrates the voter is not a qualified voter as provided by this section, the voter may be accepted only to vote provisionally under Section 63.011, Election Code.

(d) The district shall submit original or certified copies of voter affidavits to the office of the attorney general in a transcript of the proceedings of the confirmation election.

(e) The office of the attorney general shall prescribe the form of the voter affidavit.

(f) The voter affidavit must require the voter to state under oath:

(1) the address of the voter and that the voter resides in the territory of the district;

(2) the date the voter changed the voter's residence to the address provided under Subdivision (1); and

(3) that the voter, to the best of the voter's knowledge, believes that the voter's registration is effective on the date of the election.

(g) The affidavit must include the following statement: "I am not a developer of property in the district, related within the third degree of affinity or consanguinity to a developer of property in the district, or an employee of a developer of property in the district. I have not received monetary consideration from a developer of property in the district for my vote in this election."

(h) Compliance with this section or the validity of a voter affidavit may only be challenged in an election contest under Title 14, Election Code.

SECTION 2. This Act takes effect January 1, 2018.

Passed by the House on May 9, 2017: Yeas 143, Nays 2, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 2358 on May 26, 2017: Yeas 138, Nays 5, 2 present, not voting; passed by the Senate, with amendments, on May 24, 2017: Yeas 30, Nays 1.

Approved June 15, 2017.

Effective January 1, 2018.

MUNICIPAL FEES CHARGED TO PUBLIC SCHOOL DISTRICTS FOR WATER AND SEWER SERVICE

CHAPTER 849

H.B. No. 2369

AN ACT

relating to municipal fees charged to public school districts for water and sewer service.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The legislature finds that the imposition of fees for water service that are based on the number of students or employees of a public school district diverts to other purposes money appropriated in accordance with Section 1, Article VII, Texas Constitution, for the education of students. For that reason, the imposition of fees on those bases by a political subdivision violates the Texas Constitution.

SECTION 2. The heading to Section 13.044, Water Code, is amended to read as follows:

Sec. 13.044. RATES CHARGED BY MUNICIPALITY TO CERTAIN SPECIAL DISTRICTS [DISTRICT].

SECTION 3. Subchapter C, Chapter 13, Water Code, is amended by adding Section